

Declaratory

~~Improvement~~ Res. No.

1415-75

*vac. of 1st alley north
of Elizabeth St. from
epl of Barr St. etc.*

Resolution Adopted:

November 25, 1975

Confirmed:

Nov. 25, 1975

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

Dec. 18, 1975

B.O.

210-74

DECLARATORY RESOLUTION NO. 1415-75

for the vacation of the first alley north of Elizabeth St. from the epl of Barr St. etc.

ADOPTED: **November 25, 1975**

ADVERTISE NOTICE TO PROPERTY OWNERS:

NOTICES MAILED:

HEARING ON CONFIRMATION:

CONFIRMED: **Nov. 25, 1975**

ASSESSMENT ROLL ORDERED: **B. & D. - ord. 11/25/75**

ASSESSMENT ROLL APPROVED:

HEARING ON CONFIRMATION OF A. R.: **Dec. 18, 1975 at 3:30 p.m.**

NOTICE SERVED: **Dec. 5, 1975**

ASSESSMENT ROLL CONFIRMED **Thurs., Dec. 18, 1975**

Sent to D of F

11/25/75

For the Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ of the first alley north of Elizabeth Street from the east property line of Barr Street to the west property line of Lafayette Street.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate the first alley north of Elizabeth Street from the east property line of Barr Street to the west property line of Lafayette Street.

All as shown by a plan of such proposed Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ is described as follows: Lots No. 1 to 7 in Mowbrers Sub and Lots 21 and 28 in Burgess, Zollinger and Kamms Addition. Said additions are inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5) % per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

The vacation of the above described ~~shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.~~

All Streets, lots and lands affected by the above described vacation are situated in the south-east quarter, Section thirty five, Township 31 North, Range 12 East and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

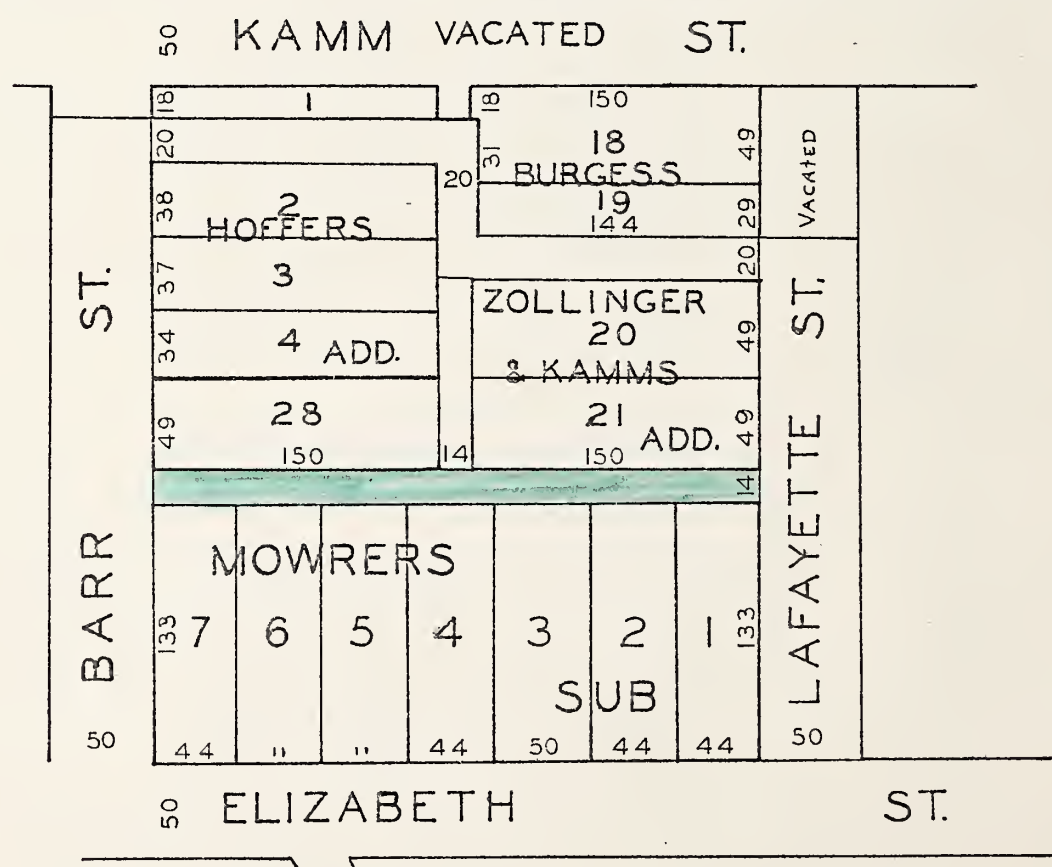
ADOPTED THIS 25th DAY OF November 19 75.

Attest:

dna L. Smith
Secretary Board of Public Works.

Carl E. O'Neal
Betty Lou O'Neal
Board of Public Works.

☐ VACATE ALLEY



OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

B.O. 210-74

Date November 25, 1975 62-342- 7,8 & 9
343-10

To STREET ENGINEERING DEPARTMENT

Subject Dec. Res. 1414-75, 1415, 1416 and 1417-75 Vac. - Lafayette St. from Elizabeth St.

Resolutions approved and adopted.
Waivers received.
CONFIRMED.
Please prepare Assessment Roll of Benefits and Damages.

J. D. BOSWELL
C. E. O'NEAL
B. L. NAULT
BOARD OF PUBLIC WORKS

ajf

P.O. Lists attached. 1414, 1415, 1416 & 1417-1975

Signed _____

Reply: December 3, 1975

Attached, please find Assessment roll of Benefits and damages for Declaratory Resolution numbers 1414, 1415, 1416 & 1417-1975.

Kenneth W. Traylor
KNT:sw

Ron Bonar
Ron Bonar, City Engineer

Signed _____

62-348-14
12/1/75

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

Department of Public Works

Office of the Board: Room No. 910 City-County Building

Fort Wayne, Indiana, December 5, 1975

Indiana & Michigan Electric Company

2101 Spy Run Avenue

Fort Wayne, Indiana

City:

Notice is hereby given you that an assessment of benefits, or award of damages, on account for the vacation of the first alley north of Elizabeth Street from the east property line of Barr Street to the west property line of Lafayette Street.

has been made against property, situated in the City of Fort Wayne, in Allen County, State of Indiana, recorded as being owned by you, known and described as follows, which assessment of benefits is set opposite said description:

	BENEFITS	DAMAGES
Lot 1, Mowrers Subdivision	\$1.00	\$1.00
Lot 2, " "	\$1.00	\$1.00
Lot 3, " "	\$1.00	\$1.00
Lot 4, " "	\$1.00	\$1.00
Lot 5, " "	\$1.00	\$1.00
Lot 6, " "	\$1.00	\$1.00
Lot 7, " "	\$1.00	\$1.00
Lot 21, Burgess, Zollinger & Kamm's Addition	\$1.00	\$1.00
Lot 28, " " " "	\$1.00	\$1.00

All in pursuance to Declaratory Resolution No. 1415-1975, adopted by the Board of Public Works of said City, on the 25 day of November, 1975, authorized by the provisions of an act of the General Assembly of the State of Indiana, approved March 6th, 1905. Entitled "An Act Concerning Municipal Corporations," and under all acts amendatory thereto and supplemental thereof.

The Board of Public Works will meet, in its office, at 3:30 o'clock P. M., on the 18th day of December, 1975, for the purpose of hearing and considering any remonstrance which you may desire to present in regard to the amount of your assessment of benefits or award of damages, as aforesaid.

By Order of

BOARD OF PUBLIC WORKS.

/bt



INDIANA & MICHIGAN ELECTRIC COMPANY

2101 Spy Run Avenue, P. O. Box 60, Fort Wayne, Indiana 46801

October 15, 1975

City of Fort Wayne
Engineering Department
7th Floor, City-County Bldg.
One Main Street
Fort Wayne, Indiana 46802

Attn: D. L. Foland, P.E.

Dear Mr. Foland:

In reply to your letter of Sept. 22, 1975, we are enclosing the original and one copy of the Sewer Maintenance Agreement between I&MECo. and the City of Fort Wayne as approved by I&MECo. This is the agreement wherein I&MECo. agrees to assume responsibility for the maintenance, repair, and necessary reconstruction of the sewer facility extending from the first East-West alley north of Elizabeth Street, extending north into the I&MECo. real estate. Will you please return one copy of this agreement after it has been approved by the Board of Works.

With regard to the options you gave us pertaining to the watermain which extends north from Elizabeth Street on Barr Street, extends east across I&MECo.'s property to Lafayette Street, and then south to Elizabeth Street, we wish to retain the use of this watermain thereby keeping the fire hydrant at vacated Kamm Street and Lafayette Street operable. We therefore ask that you install the valve on the main at Lafayette Street just north of Elizabeth Street. If you will, please, then bill us for the installation cost of \$790.00.

Should there be anything further that we can do to expedite the final approval of the vacation of Barr and Lafayette Streets and the adjoining alleys, please advise us.

Very truly yours,
INDIANA & MICHIGAN ELECTRIC COMPANY

Wm. L. Blackburn
Wm. L. Blackburn

Right-of-way Agent - Senior

WLB/cs

enclosures

cc: Board of Works

Phil Boller, Water Pollution Control

Street Engineering Dept.

Ron Bonar

*Phil - looks OK
to me. Should be
revised after meeting
11/4
Phil -
max VanCamp executed
needs an executed
copy. Would he
see that he
gets one.
Thanks. Sandy
CC: Fine*

Ron,

10/3/75

*We have reviewed the
attached Sewer Maint. Agreement and have
found it to be acceptable. If you agree,
please forward to the Board.*

Phil

1975 NOV 12 AM 8:17

ALLEN COUNTY RECORDER

June E. Schubert

62-340-31 "11/20/75"
75-24432

SEWER MAINTENANCE AGREEMENT

This agreement by and between INDIANA & MICHIGAN ELECTRIC COMPANY, hereinafter referred to as "I & M", and the CITY OF FORT WAYNE, INDIANA, acting by and through its Board of Public Works, hereinafter referred to as "CITY".

WITNESSETH:

WHEREAS, I & M is the owner of all land abutting on and adjoining the first alley, running north and south, north of Elizabeth between Barr Street and Lafayette Street in the City of Fort Wayne, Allen County, Indiana; and

WHEREAS, the vacation of the aforementioned portion of said alley has been determined to be in the best interest of all parties by I & M, the Fort Wayne City Plan Commission and the Common Council of the City of Fort Wayne, Indiana; and

WHEREAS, there is located within said alley storm and ^{or} sanitary sewer facilities servicing exclusively buildings owned and operated by I & M;

NOW THEREFORE, it is agreed among the parties in consideration of the foregoing and of the mutual considerations hereinafter contained as follows:

1. I & M agrees to assume and does hereby assume the full responsibility for the maintenance, repair and any necessary reconstruction of any and all storm and ^{or} sanitary sewer facilities now located in said alley as hereafter described.

2. The sewers which are subject to this agreement are those sewers extending from manholes located in the first alley running west and east, north of Elizabeth Street to the northern terminus of said sewers located in said alley and Kamm Street.

3. CITY agrees to deliver responsibility for such maintenance, repair and reconstruction to I & M and to continue acceptance of sanitary ^{and/} or storm water discharge on the same basis.

4. This agreement shall be binding upon any successors to I & M who purchases facilities served by said sewers.

IN WITNESS WHEREOF we have subscribed our hands and seals
this 9th day of October, 1975.

INDIANA & MICHIGAN ELECTRIC COMPANY

BY J. F. Stark
J. F. Stark, Vice-President

CITY OF FORT WAYNE, INDIANA
BOARD OF PUBLIC WORKS

BY Jerry D. Boswell
Jerry D. Boswell, Chairman

ATTEST E. J. Smith
Clerk

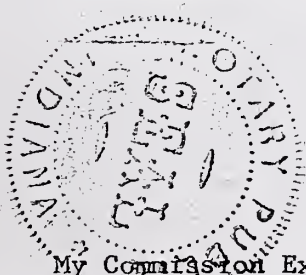
BY Carl E. O'Neal
Carl E. O'Neal, Member

BY Betty L. Nault
Betty L. Nault, Member

APPROVED FOR FORM AND LEGALITY:

[Signature]
Associate City Attorney

Before the undersigned notary public personally appeared _____
J. F. Stark, Vice-President and _____
~~respectively~~ of Indiana & Michigan Electric Company, and acknowledged the
his
execution of the above and foregoing grant of easement as ~~their~~ free and voluntary
act as the duly authorized officers of said corporation. Witness my hand and seal
this 9th day of October, 1975.



William L. Blackburn
William L. Blackburn Notary Public

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

Before the undersigned notary public in and for said County and State

personally appeared Jerry D. Boswell, Carl E. O'Neal, and Betty L. Nault and

Edna I. Smith, and acknowledge the execution of the above and foregoing sewer

maintenance agreement as their free and voluntary act as the duly authorized

members of the Board of Public Works of the City of Fort Wayne, Indiana, for the

use and purpose therein stated. Witness my hand and seal this

day of November, 1975.

Anne J. [Signature]
Notary Public

Notary Public

My Commission Expires:

March 6, 1976

This Instrument Prepared by: Philip R. Boller, P.E.



THE CITY OF FORT WAYNE

board of public works

December 12, 1975

SUBJECT: PUBLIC HEARINGS

Dear Councilman Moses:

Please be advised that the Board has scheduled a public hearing Thursday, December 18, 1975 at 3:30 p.m. concerning the following project(s):

HEARING ON CONFIRMATION OF ASSESSMENT ROLL

Dec. Res. No. 1414-75	Vac. of Lafayette St. etc.
✓ Dec. Res. No. <u>1415-75</u>	Vac. of 1st alley n. of Elizabeth St. etc.
Dec. Res. No. 1416-75	Vac. of 2nd alley n. of Elizabeth St. etc.
Dec. Res. No. 1417-75	Vac. of alley bet. Barr & Lafayette
Alley Imp. Res. 5684-75	1st alley north-southeast of Broadway

HEARING ON CONFIRMATION - Continued from December 4, 1975

Res. No. 111-75	Street lighting - Southwood Park Add.
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You are invited to attend this public hearing and hear the comments of your constituents regarding the project(s). If you have any questions on the project(s), please feel free to call.

Sincerely,

Jerry D. Boswell
Carl E. O'Neal
Betty Lou Nault
BOARD OF PUBLIC WORKS

ep

cc: Mayor

Improvement Resolution No 415-75 For THE VACATION OF THE FIRST ALLEY NORTH OF ELIZABETH STREET FROM THE EAST

PROPERTY LINE OF BARR STREET TO THE WEST PROPERTY LINE OF LAFAYETTE STREET.

-2

	OWNER'S NAME	ADDRESS	NUMBER OF			DESCRIPTION
			LOT	BLOCK	O. L.	
1	INDIANA MICHIGAN ELECTRIC CO	2101 SPY RUN AVE	1			MOWER'S SUB.
2	" " " "	" " " "	2			" "
3	" " " "	" " " "	3			" "
4	" " " "	" " " "	4			" "
5	" " " "	" " " "	5			" "
6	" " " "	" " " "	6			" "
7	" " " "	" " " "	7			" "
8	" " " "	" " " "	21			BURGESS, ZOLLINGER & KAMM'S ADD.
9	" " " "	" " " "	28			" " " "
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1415-75